



House of Representatives

General Assembly

File No. 485

January Session, 2011

Substitute House Bill No. 6340

House of Representatives, April 7, 2011

The Committee on Human Services reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PLACEMENT OF CHILDREN IN OUT-OF-STATE TREATMENT FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) Not later than July 1,
2 2013, the Commissioner of Children and Families shall return each
3 child and youth in the commissioner's care and custody who is located
4 in an out-of-state treatment facility to a family or facility in the state,
5 unless the commissioner determines that an out-of-state placement is
6 necessary because (1) the child or youth has a behavioral health
7 condition requiring specialized treatment that cannot be effectively
8 provided in the state, or (2) the out-of-state facility provides
9 geographic proximity to the child or youth's family that will facilitate
10 family involvement in the child or youth's treatment.

11 (b) On or after July 1, 2013, if the commissioner determines that a
12 child or youth in the commissioner's care and custody should be
13 placed in an out-of-state treatment facility, the commissioner shall
14 submit a motion for review of such out-of-state placement

15 determination to the superior court for juvenile matters. The court
16 shall determine whether such out-of-state placement is necessary
17 because (1) the child or youth has a behavioral health condition
18 requiring specialized treatment that cannot be effectively provided in
19 the state, or (2) the out-of-state facility provides geographic proximity
20 to the child or youth's family that will encourage and facilitate family
21 involvement in the child or youth's treatment. If the court determines
22 that such placement is necessary, the commissioner shall, every three
23 months, submit a report to the court regarding the child or youth's
24 status and the commissioner's plan to return the child to a family or
25 facility in the state.

26 Sec. 2. (*Effective from passage*) The Commissioner of Children and
27 Families shall, in consultation with the Court Support Services
28 Division of the Judicial Branch, in-state and out-of-state treatment
29 providers, child welfare and mental health advocates and family
30 consumers of mental health and child welfare services, develop a plan
31 to reallocate funds appropriated to the department and maximize
32 federal and private funding to increase appropriate in-state,
33 community-based and residential services for children transitioning
34 from out-of-state facilities. Not later than January 1, 2013, the
35 commissioner shall submit such plan, in accordance with section 11-4a
36 of the general statutes, to the joint standing committee of the General
37 Assembly having cognizance of matters relating to human services and
38 the select committee of the General Assembly having cognizance of
39 matters relating to children.

40 Sec. 3. Section 17a-62 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2011*):

42 On or before [February 1, 2010] May 1, 2012, and annually
43 thereafter, the Commissioner of Children and Families shall submit a
44 report, in accordance with the provisions of section 11-4a, to the joint
45 standing committee of the General Assembly having cognizance of
46 matters relating to human services and the select committee of the
47 General Assembly having cognizance of matters relating to children.

The report shall include the following information, for the preceding calendar year, for children and youth in the custody of the Department of Children and Families: (1) The number, [and] age and race of such children and youth who are living in a psychiatric hospital or out-of-state residential treatment center, the average length of stay for such children and youth, the number of children and youth who have overstayed their estimated placement time in such placements and an analysis of the reasons for the placements out of state and overstates; (2) the number, [and] age and race of such children and youth who are runaways or homeless, the number of days that each child or youth has been a runaway or homeless, and an analysis of the trends relating to runaways and homelessness; (3) the number, [and] age and race of children and youth who have a permanency plan of another planned permanency living arrangement and an analysis of the trends relating to permanency plans; and (4) the number, [and] age and race of children and youth who have refused services offered by the department and an analysis of the trends relating to participation in services. The commissioner shall conduct case and service reviews for each child in the groups described in subdivisions (1) to (4), inclusive, of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2011</i>	17a-62

KID *Joint Favorable C/R* HS

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which places certain responsibilities on the Department of Children and Families and the Judicial Department related to out-of-state placements, does not result in a fiscal impact to these agencies.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6340*****AN ACT CONCERNING THE PLACEMENT OF CHILDREN IN OUT-OF-STATE TREATMENT FACILITIES.*****SUMMARY:**

This bill requires, with certain exceptions, the Department of Children and Families (DCF) commissioner to return to a family or facility in Connecticut, by July 1, 2013, the children and youth in the department's care located in out-of-state treatment facilities. The requirement applies unless the commissioner determines that an out-of-state placement is necessary for specified reasons. By January 1, 2013, the commissioner must develop a plan for funding appropriate community-based and residential services for the children returning from out-of-state facilities by reallocating existing appropriations and using federal or private funding.

Beginning July 1, 2013, the commissioner must submit any decision to place a child in an out-of-state facility to the Superior Court for Juvenile Matters for a determination on the placement. The court must decide whether out-of-state placement is necessary for the same specified reasons. The bill requires the commissioner to report to the court every three months on each child's status and plan for return.

The bill adds racial data to the information DCF must include in its annual report on at-risk children starting in 2012.

EFFECTIVE DATE: Upon passage, except for the provision on the annual report, which is effective October 1, 2011.

OUT-OF-STATE PLACEMENT***Process***

The bill requires the DCF commissioner to return, by July 1, 2013,

from out-of-state treatment facilities all children in the department's care and custody unless she has determined the child needs the out-of-state placement because (1) the child has a behavioral health condition that requires specialized treatment that is not effectively provided in Connecticut or (2) the out-of-state facility is located within geographic proximity to the child's family that will facilitate their involvement in his or her treatment. Starting July 1, 2013, the Juvenile Court must make the determination on an out-of-state placement based on the same criteria, upon the required submission of a DCF motion for review.

If the court determines that a child should be placed in an out-of-state treatment facility, the bill requires DCF to report to the court every three months on the child's status and the department's plan to return the child to a family or facility in the state.

Transition

The bill requires the DCF commissioner to develop a plan to (1) reallocate the department's appropriated funds and (2) maximize federal and private funding to increase the appropriate, in-state, community-based and residential services for children returning from out-of-state treatment facilities. She must consult with the Court Support Services Division, in-state and out-of-state providers, child welfare and mental health advocates, and family consumers of child welfare and mental health services. By January 1, 2013, she must submit this report to the Human Services and Children's committees.

ANNUAL REPORT

The bill requires DCF to include racial data, by May 1, 2012, for the criteria in the annual report (required by PA 09-96) on the cases of all children and youth in its care during the previous calendar year. Currently, the department reports the number and age of those:

1. living in a psychiatric hospital or out-of-state treatment center,
2. who have run away or are homeless,

3. who have a permanency plan of “another planned permanency living arrangement,” or
4. who have refused DCF services.

The report goes to the Human Services and Children’s committees.

BACKGROUND

Out-of-State Placements

According to DCF, as of February 1, 2011, 357 children in its care were in out-of-state residential treatment facilities.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 12 Nay 0 (03/03/2011)

Human Services Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/22/2011)